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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,480	04/13/2001	Kun Zhang	GEMS8081.062	7330

27061 7590 01/25/2005

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EXAMINER
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SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,480

Applicant(s)

ZHANG ET AL.

Examiner

Hosuk Song

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5,8-12,24,26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tardo et al(US 6,557,105).

Claims 1,4,5,8,24: Tardo disclose receiving an access request from a user of a remotely located device seeking access to an option resident in memory of the device in (fig.1,col.7,lines 35-40). Tardo discloses determining whether to grant limited access in response to the access request when a set of criteria has been met in (fig.1). Tardo discloses generating an electronic enabler configured to permit access to the option in response to an access grant in (fig.3a). Tardo discloses transmitting the electronic enabler to the device in (fig.1 and col.3,lines 38-44). Tardo discloses automatically enabling customer access to the option in the device in response to reception of the electronic enabler in (col.14,lines 56-63).

Claim 2: Tardo discloses monitoring use of the option and providing a warning of an expiration of the access grant in (col.11,lines 64-67;col.12,lines 1-6).

Claim 3: Tardo discloses monitoring use of the option and providing a warning of an expiration of the access grant in (col.11,lines 64-67).

Claim 9: Tardo discloses receiving the access request at a centralized facility from a remote user via a public communication interface in (fig.1 and col.3,lines 46-51).

Claim 10: Tardo discloses steps in claim 1 are entirely automated at a centralized facility in (fig.1).

Claim 11: Tardo discloses receiving a customer identifier from a customer and validating the customer via the customer identifier in (fig.1).

Claim 12: Tardo discloses retrieving a customer<sup>3</sup> status of the customer in (fig.1). Tardo discloses denying the access request if the customer status is unqualified and granting the access request if the customer status is qualified in (col.14,lines 56-63).

Claim 26: Tardo discloses deny access to the option upon expiration of the limited access grant in (col.13,lines 46-57).

Claim 27; Tardo disclose instructions to send the software key via one of a private communication interface and a public communication interface in (fig.1).

Claim 28: see claims 1 and 12-13.

Claims 30-31: Tardo discloses software key is embedded with data that controls an expiration period of the option in (fig.1).

Claim 19: Dolphin disclose transmitting an enabling software key to the device from a centralized facility;verify option access in the device and send a verification message to the customer confirming access in (col.3,lines 1-10).

Claim 20: Dolphin discloses sending an electronic verification of receipt of the access request in (fig.1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7,13,15-18,22-23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tardo et al(US 6,557,105).

Claims 6-7: Tardo does not disclose granting limited access on a pay-per-use period. It would have been obvious to person of ordinary skill in the art at the time invention was made to employ pay-per-period because it restricts user to access the item to specific time period thus preventing time abuse usage. Pay-per-period also provides cost benefit to both customer and the merchant.

Claim 13: Tardo does not specifically disclose unqualified includes one of a delinquent account, an exhausted line of credit, a poor credit history, and refusal to complete educational requirements and a customer status of qualified includes a non-delinquent account. It would have been obvious to person of ordinary skill in the art at the time invention was made to employ credit check history of user in order to filter out unqualified customer from accessing the data which can lead to potential data abuse.

Claim 25: Tardo discloses transmitting a renewal access request consistent with terms of a previous grant of limited access in (col.14,lines 38-63).

Claim 15-17,22: Tardo disclose a centralized facility located remotely from the device and having at least one access computer programmed to receive from a qualified customer a request to access and use the disabled option in (fig.1 and col.13,lines 38-44). Tardo does not specifically disclose granting access and use, on a pay-per-use basis, of the disabled option for a predetermined time period. It would have been obvious to person of ordinary skill in the art at the time invention was made to employ pay-per-period because it restricts user to access the item to specific time period thus preventing time abuse usage and providing cost benefit to both customer and the merchant.

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Claim 23: Tardo disclose a computer of the device monitors access to the resident option and provides a warning of an expiration of customer access to the resident option prior to the expiration of an access grant in (col.14,lines 38-47).

Claim 18: Tardo discloses transmitting the electronic enabler to the device in (col.3,lines 39-43).

3. Claims 14,21,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tardo et al.(US 6,557,105) in view of Spix et al.(US 5,179,702).

Claims 14, 21,29: Tardo does not specifically disclose device includes at least one medical imaging scanner. Spix patent disclose medical imaging scanner in (col.37,lines 30-35). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ medical image scanner in order to improve efficiency data processing in health care facilities.

#### ***Response to Applicant's arguments***

4. Claims 1-31 are pending. The previous grounds of rejection based on the Dolphin and Hombuckle patents are withdrawn in view of Applicant's arguments in the Amendment filed 8/20/2004. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Objectionable to IDS filed 5/18/2001 has been withdrawn in view of applicant's arguments.

#### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

A handwritten signature in black ink, appearing to be 'J. S. G.' or similar, located in the lower right quadrant of the page.